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Not Photo I.D.

SB 362 - Voter Identification

"Polls show that voters are losing confidence in the integrity of our elections, and that people are more likely to vote if they believe their ballot will be fairly counted."

"A poll in October 2008 showed that 88 percent of Texas voters - 95 percent of Republicans and 80 percent of Democrats - think a voter should present a photo ID to vote."

"Voter ID is simply putting into practice the intent of the current Election Code - and that is that the person who shows up at the polls is who he claims to be."

"Voter impersonation is a serious crime, but without a Voter ID requirement we do not have the tools to know if this crime is being committed."

"Photo ID laws are considered one of the most basic and necessary election safeguards by a host of countries including Canada, Mexico, France, Germany, Italy, Poland, Britain, India, and South Africa. But less than half of the U.S. states have any kind of photo ID laws."

"Why do we so easily require photo ID to board a plane or to buy beer and cigarettes while leaving the ballot box so undefended?"

Americans are frequently (but not always) asked to show identification for even the most mundane activities:

- to rent a DVD
- to check out a library book
- to board an airplane
- to buy alcohol or tobacco
- to belong to bulk retail clubs such as Sam's Club
- to purchase cold medication such as Sudafed

— ck who voted for

"If passed, it is our responsibility to educate voters on requirements of law."

"SB 362 simply requires that on offering to vote, a voter must present either one form of photo identification or two different forms of non-photo identification. If the person fails to meet these standards, they may still vote upon completion of a provisional ballot affidavit. Nobody will walk away from a polling place without having cast a ballot."

"Voter identification secures the voting process in Texas without disenfranchising voters because under the provisions of SB362 there are infinite types of identification that can be used."

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09/02/2014

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TALKING POINTS

I. THE THREAT OF FRAUD IS REAL

- Deceased voters, felons, duplicate registrations, and non-residents remain on voter rolls (*2007 State Auditor report found over 49,000 of these possible ineligible voters*)
- Fraudulent registration applications are rampant (*over 6,000 applications by non-citizens rejected in Harris County from 2004-2007, and 2008 ACORN registration scandal made national news*)
- Texas Election Administration Management (TEAM) system is improving, but continues to have accuracy problems
- Current election system is inadequate to catch in-person voting fraud

II. THIS BILL PROTECTS TEXAS VOTERS

- Deters and detects fraud
- Improves and modernizes election procedures
- Protects against fraud enabled by inaccurate registration rolls
- Counts only eligible voters' votes
- Protects public confidence in elections

(These points are taken directly from Supreme Court opinion describing Indiana's "legitimate state interests")

III. THIS BILL REPRESENTS COMPROMISE AND AN ATTEMPT TO ENSURE THAT EVERY ELIGIBLE VOTER CAN VOTE AND THAT ONLY LEGITIMATE VOTES ARE COUNTED

- Allows both photo and non-photo forms of ID
- Not as restrictive as Indiana and Georgia laws (which were both upheld by the federal courts)
- Requires months of statewide voter education efforts before law takes effect

* We've studied this issue over two winters. ~~This bill~~

→ Bill secures a process. But we are also cognizant of concerns of others + we have made attempts to address their concerns by not being as restrictive ~~as~~ as other states

→ Indiana has entered into partnerships w/ MALDEF + others to educate voters.

Current Voter Identification Law	SB 362, Filed
<p>May present one of the following at the polling place instead of a voter registration card:</p> <ul style="list-style-type: none"> • driver's license (TX or other state; expiration allowed) • ID card (TX or other state; expiration allowed) • any photographic ID • birth certificate or other document confirming birth that is admissible in court • US citizenship papers • US passport • official mail from a governmental entity • utility bill, bank statement, government check, paycheck or other government document with name and address • any other form prescribed by the SOS 	<p>Must present one of the following at the polling place, in addition to a voter registration card or in addition to an affidavit stating the voter does not have their registration card in their possession at the polling place:</p> <ul style="list-style-type: none"> • Texas driver's license (expired less than 2 years) • TxDPS ID card (expired less than 2 years) • US military ID that contains a photo • US citizenship certificate that contains a photo • US passport • TxDPS concealed handgun license • photo ID issued by a federal, state or local governmental entity <p>In place of the above, may present two of the following at the polling place, in addition to a voter registration card or in addition to an affidavit stating the voter does not have their registration card in their possession at the polling place</p> <ul style="list-style-type: none"> • utility bill, bank statement, government check, paycheck or other government document with name and address • official mail from a governmental entity • certified copy of a birth certificate or other document confirming birth that is admissible in court • US citizenship papers • original or certified copy of marriage license or divorce decree • court records of adoption, name change or sex change • federal or state ID card issued for the purpose of obtaining public benefits • TxDPS issued temporary driving permit • FAA issued pilot's license • library card • Tx Parks & Wildlife hunting or fishing license

	INDIANA LAW	GEORGIA LAW	TEXAS - SB 362	TEXAS - CURRENT LAW
REQUIRED I.D.	<p>One photo ID:</p> <ul style="list-style-type: none"> state or federal ID that includes name, photo, and expiration date (specific forms of ID not provided) 	<p>One photo ID:</p> <ul style="list-style-type: none"> driver's license (even if expired) state or federal photo ID local, state, or federal govt employee photo ID U.S. passport military photo ID tribal photo ID 	<p>One photo ID:</p> <ul style="list-style-type: none"> DPS-issued ID that has not expired in last two years military photo ID citizenship certificate with photo U.S. passport concealed handgun ID state or federal photo ID <p>- OR -</p> <p>Two non-photo ID:</p> <p>Govt-issued mail or document; Birth certificate; Citizenship papers; Marriage license or divorce decree; Adoption, name change, or sex change court records; Public benefits card; Temporary driving permit; Pilot's license; Library card, Hunting or fishing license</p>	<p>voter registration card</p> <p>- OR -</p> <p>sign affidavit at polls</p> <p>AND</p> <ul style="list-style-type: none"> DPS-issued ID (even if expired) any photo ID with name birth certificate citizenship papers U.S. passport govt-issued mail or document other ID prescribed by Sec of State
EXCEPTIONS TO PHOTO REQUIREMENT	<ul style="list-style-type: none"> indigent religious objection voters in state-licensed care facility 	none	non-photo documents are acceptable	(photo ID not required)
PROVISIONAL BALLOT	If no ID, voter may cast provisional ballot and must return within 10 days with ID for ballot to be counted.	If no ID, voter may cast provisional ballot and must return within 2 days with ID for ballot to be counted.	If no ID, voter may cast provisional ballot, and registrar must confirm eligibility within 7 days	If no ID, voter may cast provisional ballot, and registrar must confirm eligibility within 7 days
REQUIRED VOTER EDUCATION	secretary of state conducts statewide education campaign for voters and poll workers	none	secretary of state conducts statewide education campaign for voters and poll workers	N/A

PROCESS FOR GETTING COPY OF TEXAS BIRTH CERTIFICATE

- (1) In Austin (Office of Vital Statistics):
 - Bring photo ID, OR two documents with your name, one of which has your signature, OR a copy of immediate family member's photo ID
 - Pay \$22
 - Birth certificate usually ready in less than 2 hours
- (2) Online order:
 - Enter driver license number
 - Pay \$22 by credit card
 - Birth certificate delivered in 10-15 days
- (3) By expedited mail:
 - Submit application with ID documents by overnight mail or fax
 - Pay \$43 by credit card
 - Birth certificate delivered in 10-15 days
- (4) By regular mail:
 - Submit application with ID documents by regular U.S. mail
 - Pay \$38 by credit card, check, or money order
 - Birth certificate delivered in 3-4 weeks if credit card payment, or ready in 6-8 weeks if check or money order payment

[Louisiana, New Mexico, and New York have similar systems. Delivery by mail from these states takes 4-8 weeks and costs \$10-30]

PROCESS FOR GETTING DPS-ISSUED ID CARD

- (1) Submit application with government-issued photo ID or birth certificate and two supporting documents. Non-citizens must provide proof of lawful status in U.S.
- (2) Pay \$15 for ID card, or \$24 for driver license if 18-85 years old (both IDs require renewal every 6 years)
- (3) ID card is processed in Austin (no matter where in Texas it is requested)
- (4) ID card is mailed from Austin 2-6 weeks after request.

[DPS offices in Harris, Dallas, Tarrant, El Paso, Maverick, and Liberty counties confirm that all driver's license and ID requests in Texas are sent to Austin for processing and take 2-6 weeks.]

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FEDERAL PRECLEARANCE OF TEXAS VOTER ID LAW REQUIRED

WHAT IS PRECLEARANCE?

Section 5 of the Voting Rights Act states that a covered jurisdiction (such as Texas) may not implement a change in its election laws or practices unless the jurisdiction demonstrates the change will be free of any racially discriminatory purpose or effect. The burden is on the state to prove that the change in law will not have a discriminatory impact. Redistricting plans are the most common source of preclearance opinions, but any change in voting is subject to preclearance.

WHO PROVIDES PRECLEARANCE?

A covered jurisdiction must submit a proposed election law to either the United States Department of Justice - Civil Rights Division for formal approval or to the United States District Court for the District of Columbia for a declaratory judgment that the proposed law is acceptable. Both venues use the same standard of review.

WHAT IS THE PRECLEARANCE PROCESS?

After passage by the Texas legislature, and before the effective date of the Act, the Texas Secretary of State will submit the appropriate paperwork for preclearance to the DOJ or the Attorney General will file a preclearance action in the DC District Court. The DOJ or Court will conduct a statistical and legal analysis to determine if the proposed law has any racially discriminatory purpose or effect.

WHAT HAPPENED WITH GEORGIA?

In 2005, Georgia passed a voter ID law that allows only photo ID and requires voter to return within 2 days to confirm identity for provisional ballot. Career attorneys and analysts at DOJ wrote a 50-page memo explaining why the Georgia law was retrogressive and should be denied preclearance. Bush political appointees at the DOJ overruled that determination and granted preclearance. (The 11th Circuit Court later upheld the plan under the standards enumerated by the Supreme Court.)

THE BOTTOM LINE

Even if the Texas legislature passes a voter ID bill that is signed by the governor, it will not take effect until the attorneys at the DOJ or the judges at the DC District Court determine that minority voters will not be adversely affected by the ID requirements.

The Bush political appointees at the DOJ have been replaced by Obama political appointees, and the career attorneys and analysts that wrote the 2005 memo remain.

If the DOJ or DC Circuit Court grants preclearance, the law is still likely to be challenged in federal court under the more relaxed guidelines established in the Indiana case.

Voter Identification Ensuring Constitutional Compliance

LEGITIMATE STATE INTERESTS

- "Intended to deter and detect fraud"
- "Improve and modernize election procedures"
- "Count only eligible voters' votes"
- "Protect public confidence in elections"
- "Protect from fraud enabled by inaccurate registration rolls"

MEASURES *REQUIRED* TO OFFSET BURDENS ON VOTERS

- "Access to free photo ID cards"
- "Availability of provisional ballots and absentee ballots"
- "Assurance that obtaining ID is no more inconvenient or burdensome than usual act of voting"

Ryan LaRue

From: Bryan Hebert
Sent: Monday, March 09, 2009 8:41 AM
To: Ryan LaRue; Janice McCoy; Jennifer Fagan
Subject: fyi

Federal authority for AG to take preclearance to DC court rather than SOS taking it to DOJ (from 42 U.S.C.A. § 1973c(a)):

"Whenever a State or political subdivision ... shall enact or seek to administer any voting qualification or prerequisite to voting...such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite... neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race or color... and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure... Provided, that... [exception for DOJ preclearance option]."

"Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of Title 28 and any appeal shall lie to the Supreme Court."

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3/9/2009

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PROVISIONAL BALLOT PROCESS

- (1) If voter is unable to produce ID or is not listed on precinct list, voter may cast provisional ballot.
- (2) Provisional ballot is a paper ballot that is placed in a sealed envelope, which the voter signs and lists any information which may help determine the voter's eligibility (address, social security number, driver's license number, etc)
- (3) All provisional ballots are placed in a secure ballot box and transferred to the county ballot board when polls close.
- (4) If the election is decided by fewer votes than the number of provisional ballots cast, the provisional ballots are counted.
- (5) The county ballot board and voter registrar examine each provisional ballot and, using county and other public records, attempt to verify whether the voter is eligible. If deemed eligible, the vote is counted.
- (6) The board and registrar must complete verification within 7 days of the election. The county must notify a voter within 10 days of canvassing the votes whether the voter's provisional ballot was accepted.

PROCESSING THE PROVISIONAL VOTER: A “HOW TO” GUIDE

During the process of qualifying voters you will run across some voters who do not fit neatly into the situations that allow them to vote a regular ballot. Such voters are eligible to vote a provisional ballot under Texas law. The following is an overview of how you should process such voters, when you should offer a provisional ballot, what forms need to accompany the provisional voting process and other helpful tips to guide you through this process.

Law and administrative rules:

Election Code Secs. 63.011, 63.0101

1 Tex. Admin Code Secs. 81.172 – 81.176

1. When to Offer a Provisional Ballot. Upon determining the status of a voter who appears ineligible to vote, the presiding judge or clerk must inform the voter of his or her right to cast a provisional ballot. If you encounter a voter who fits into one of the following categories, he/she is eligible to vote a provisional ballot and should be offered the option to vote one:

- An individual who is not on the list and did not provide a certificate or other form of identification;
- An individual who is registered to vote, but is trying to vote in a precinct other than the precinct where the voter is registered (on election day);
- An individual who does not have his/her voter registration certificate and no form of identification;
- An individual who has applied for a ballot by mail but has not returned the ballot or cancelled the ballot by mail with the main early voting clerk;
- An individual who is voting after 7:00 p.m. due to court order which extended voting hours;
- An individual who is registered in the precinct but whose registered address is not (i.e., does not appear to be) located in the political subdivision conducting the election; or
- An individual who is attempting to vote in a primary election but has already participated in another party primary in the same election year.

Voter who is on list as having been provided a ballot by mail may now vote provisionally at polling place in lieu of cancelling at main early voting place when voter does not have mail ballot in his/her possession. Voter must sign affidavit that he/she has not voted by mail and is registered to vote in the precinct. Election Code Sec. 63.011(a-1).

Please note that the provisional voter affidavit procedure detailed above is not necessary for a voter who does not have a voter registration certificate and is not on the list if the registrar can confirm by telephone that the voter is registered and the voter can show proper identification. In this particular case, the voter will be accepted to vote a regular ballot and he/she will fill out the necessary information on the combination form relating to “incorrect certificate” or “voter without certificate who is on the list.”

2. The Process after Identifying a Provisional Voter/ Forms to Complete. Once you have properly identified that an individual qualifies to vote a provisional ballot, proceed with the following steps to continue processing the individual.

- Each category of provisional voter listed above must complete the Provisional Voter Affidavit Envelope prior to casting the provisional ballot.
- After the provisional voter has properly completed the Provisional Voter Affidavit Envelope, the election judge/clerk will enter the voter's name on the List of Provisional Voters, add the name to the poll list and check the column labeled "provisional" on the combination form.
- The provisional voter will then sign the signature roster.
- The presiding judge will then check the reason for which the voter voted provisionally on the back of the Provisional Voter Affidavit Envelope. After checking the applicable reason for voting provisionally, the presiding judge will sign and date the Provisional Voter Affidavit Envelope where indicated.
- The presiding judge will then direct the voter to choose a provisional ballot from the stack of provisional ballots (or direct the voter to a DRE system designated for electronic provisional voting) and allow the voter to cast their provisional ballot in secrecy.
- Once the voter has voted the provisional ballot, the voter will place his/her own ballot in the white secrecy envelope and seal it inside the Provisional Voter Affidavit Envelope. Please note if the white secrecy envelope is not placed in the Provisional Voter Affidavit Envelope, the ballot will not be counted. If a DRE system was used for casting a provisional ballot, the voter will only have to execute the provisional voter affidavit.
- Provide the voter with the "Notice to Provisional Voter" form which explains that the voter will receive notice in the mail informing him/her whether the ballot was counted and the reason the ballot was not counted, if applicable.
- The voter will deposit the sealed Provisional Voter Affidavit Envelope into ballot box 1 (or other designated secured container) and exit the polling place.

3. When to Tell the Voter His/Her Provisional Ballot Will Not Be Counted. The individual should be informed immediately that their ballot will not be counted under the following circumstances:

- 1) if the individual is registered in a different precinct (unless the voter registrar later determines the voter is in the correct precinct);
 - 2) if the individual is required to present proof of identification and has no valid proof of identification to submit.
- Please note that in all other instances the election judge or clerk should not inform the voter whether his/her ballot will be counted as a final determination will be made by the Early Voting Ballot Board.

4. Preparing Provisional Ballots for Delivery to Voter Registrar. The Provisional Ballot Affidavit Envelopes (or Provisional Ballot Affidavits if a DRE system was used) along with the List of Provisional Voters for each precinct are delivered to the custodian of election records. The custodian reviews the number of Provisional Ballot Affidavit Envelopes against the precinct List of Provisional Voters to verify that the numbers match. The custodian prepares a Summary of Provisional Ballots numbering the Provisional Ballot Affidavit Envelopes by precinct. The custodian places the voted Provisional Ballot Affidavit Envelopes from each precinct with the precinct List of Provisional Voters and the Summary of Provisional Voters in a sealed ballot box or transfer case for delivery to the Voter Registrar.

5. **Delivery to Voter Registrar.** Custodian will deliver the provisional ballot box or transfer case containing the Provisional Ballot Affidavit Envelopes, along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar.

Note: Under the administrative rules, the provisional ballots are delivered by the custodian to the Voter Registrar on the next business day after the election. If the Voter Registrar wishes to take possession of the provisional ballots on election night, the Voter Registrar must inform the custodian and post notice no later than 24 hours before Election Day. If the Voter Registrar makes this determination, the Voter Registrar must go to the Custodian's office and take possession on election night.

6. **Examination.** Voter Registrar examines provisional ballot affidavits within 3 business days after Election Day, and makes a copy of the affidavits to use to register provisional voters who are not registered or to update existing voter registration information for provisional voters who are registered. The Voter Registrar must sign and date his or her review of each Provisional Ballot Affidavit Envelope. Poll Watchers are not entitled to be present during the Voter Registrar's review.

Note: For purposes of voter registration, the copied Provisional Ballot Affidavit Envelope serves as an original voter registration application or change form; the effective date will be calculated as thirty days from the Election Date for which the Provisional Ballot Affidavit Envelope was submitted.

7. **Return of the Provisional Ballots.** Voter Registrar organizes provisional ballots by precinct, places all envelopes in a ballot box or other secured container, and delivers the locked, sealed ballot box for delivery to the Early Voting Ballot Board meeting or General Custodian of the election records, as designated by the General Custodian.
8. **Security.** At all stages of this procedure, a ballot and seal certificate must be maintained to indicate the serial number(s) of the seal(s) used to seal the ballot box(es) and to indicate the number of provisional ballots contained in the box(es).
9. **Review of Provisional Ballots.** The early voting ballot board reviews both the election judge's and the voter registrar's notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted. The presiding judge of the ballot board indicates on both Provisional Ballot Affidavit Envelope and the precinct List of Provisional Voters whether the ballot was counted. The ballots to be counted are removed from their envelopes (or the appropriate method for DRE systems for counting the ballot) and tabulated by the board by precinct in the normal manner. The ballot board must check to make sure a voter's initial mail ballot was not accidentally counted if the voter voted provisionally pursuant to House Bill 2823, 80th Legislature. The counted ballots are relocked and resealed before being returned to the custodian of election records, along with the precinct Lists of Provisional Voters. The custodian prepares an amended unofficial return upon receipt of the ballot board's results. The Early Voting Ballot Board presiding judge shall send notices to provisional voter concerning the disposition of their ballots no later than the 10th day after the canvass.

Outlines/county/08/processingtheprovisionalvoter

POST ELECTION PROCEDURES FOR PROVISIONAL VOTING

1. **Preparing Provisional Ballots for Delivery to Voter Registrar.** 1 Texas Administrative Code § 81.172(e). (Vernon 2002). The Provisional Ballot Affidavit Envelopes (or Provisional Ballot Affidavits if a DRE system was used) along with the List of Provisional Voters for each precinct are delivered to the custodian of election records. The custodian reviews the number of Provisional Ballot Affidavit Envelopes against the precinct List of Provisional Voters to verify that the numbers match. The custodian prepares a Summary of Provisional Ballots numbering the Provisional Ballot Affidavit Envelopes by precinct. The custodian places the voted Provisional Ballot Affidavit Envelopes from each precinct with the precinct List of Provisional Voters and the Summary of Provisional Voters in a sealed ballot box or transfer case for delivery to the Voter Registrar.
2. **Delivery to Voter Registrar.** 1 Texas Administrative Code § 81.172(f). Custodian will deliver the provisional ballot box or transfer case containing the Provisional Ballot Affidavit Envelopes, along with the Summary of Provisional Ballots and the List of Provisional Voters for each precinct to the voter registrar.

The provisional ballots are delivered by the custodian to the Voter Registrar on the next business day after the election, (i.e. Wednesday after a Tuesday election or Monday after a Saturday election). 1 Texas Administrative Code § 81.172(f)(1).

Note: The Voter Registrar may take earlier delivery. If the Voter Registrar wishes to take possession of the provisional ballots on election night, the Voter Registrar must inform the custodian and post notice on the county bulletin board no later than 24 hours before Election Day. If the Voter Registrar chooses to take early possession, he/she must go to the Custodian's office and take possession on election night. 1 Texas Administrative Code § 81.172(f)(2).

3. **Examination.** Voter Registrar must complete her examination of the provisional ballot affidavits within 3 business days after Election Day. 1 Texas Administrative Code §81.172(g)(1). This process contains three steps:
 - 1) The registrar must make a copy of each provisional ballot affidavit envelope to register provisional voters who were not registered, or to update existing voter registration information for provisional voters who were listed in the wrong precinct, whose information has been updated, or any reason the VR deems necessary. 1 Texas Administrative Code § 81.172(g)(3)
 - 2) The Voter Registrar must review her records to determine the voter registration status of each provisional voter. The information to be reviewed includes the following sources:
 - i. The Department of Public Safety
 - ii. Volunteer Deputy Registrars, and

- iii. Other records that establish a voter's eligibility. 1 Texas Administrative Code § 81.172(g)(1).
- 3) After the review is complete, the Voter Registrar or a deputy must sign and date his or her review of each Provisional Ballot Affidavit Envelope. 1 Texas Administrative Code § 81.172(g)(2).
- 4) Poll Watchers are not entitled to be present during the Voter Registrar's review. 1 Texas Administrative Code § 81.172(g)(9).

NOTE: For purposes of voter registration, the copied Provisional Ballot Affidavit Envelope serves as an original voter registration application or change form; the effective date will be calculated as thirty days from the Election Date for which the Provisional Ballot Affidavit Envelope was submitted. 1 Texas Administrative Code §81.172(g)(4).

- 4. **Return of the Provisional Ballots.** After the review has been completed, the Voter Registrar organizes provisional ballots by precinct, places all envelopes in a ballot box or other secured container, and delivers the locked, sealed ballot box for delivery to the Early Voting Ballot Board meeting or General Custodian of the election records, as designated by the General Custodian. 1 Texas Administrative Code § 81.172(g)(6).
- 5. **Security.** At all stages of this procedure, a ballot and seal certificate must be maintained to indicate the serial number(s) of the seal(s) used to seal the ballot box(es) and to indicate the number of provisional ballots contained in the box(es).
- 6. **Review of Provisional Ballots.** 1 Texas Administrative Code § 81.172(i). The early voting ballot board reviews both the election judge's and the voter registrar's notation on each Provisional Ballot Affidavit Envelope to determine whether or not the ballot should be counted. The presiding judge of the ballot indicates on both Provisional Ballot Affidavit Envelope and the precinct List of Provisional Voters whether the ballot was counted. The ballots to be counted are removed from their envelopes (or the appropriate method for DRE systems for counting the ballot) and tabulated by the board by precinct in the normal manner. The counted ballots are relocked and resealed before being returned to the custodian of election records, along with the precinct Lists of Provisional Voters. The custodian prepares an amended unofficial return upon receipt of the ballot board's results.
- 7. The Early Voting Ballot Board presiding judge shall send notices to provisional voter concerning the disposition of their ballots no later than the 10th day after the canvass. 1 Texas Administrative Code § 81.172(k).
- 8. **Post Election.** The Voter Registrar may request that the custodian of election records deliver the original provisional ballot affidavit envelopes to the Voter Registrar after the 22 month election record preservation period. 1 Texas Administrative Code § 81.172(j).

County\2008\VR\provisional-voting101

Name of Form:

Affidavit of Provisional Voter.

Section Reference:

Section 63.11, Texas Election Code.

Purpose:

Allow Voter to vote and have the voter registration status checked later by the Voter Registrar.

Number of Copies Required:

1 - Voter Registrar will make one copy for voter registration purposes and return original to election records custodian at the conclusion of procedures; however, the original Affidavit of Provisional Voter shall be transferred to the Voter Registrar after the preservation period upon the Voter Registrar's request.

Completed by:

Voter and Election Judge.

Filing Date:

N/A

Filed with:

Voter Registrar.

Comments:

Current form is 1/06

AW7-15-7/07

Prescribed by Secretary of State

Sec. 63.011, Election Code

Type of Election (Tipo de Elección)	Precinct No. where voted (Núm. de Precincto-lugar de votación)	Precinct No. where registered (Núm. de Precincto-escrito a votar)	Date of Election (Fecha de la Elección)	Authority Conducting Election (Autoridad Administrando la Elección)
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Affidavit of Provisional Voter (Declaración Jurada de Votante Provisional) (Ballot number if using DRE _____)

TO BE COMPLETED BY VOTER: (PARA QUE EL VOTANTE LO LLENE:)

I am a registered voter of this political subdivision and in the precinct in which I'm attempting to vote and have not already voted in this election (either in person or by mail). I am a resident of this political subdivision, have not been finally convicted of a felony or if a felon, I have completed all of my punishment including any term of incarceration, parole, supervision, period of probation, or I have been pardoned. I have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially incapacitated without the right to vote. I understand that giving false information under oath is a misdemeanor, and I understand that it is a felony of the 3rd degree to vote in an election for which I know I am not eligible. *Estoy inscrito como votante en esta subdivisión política y en el precinto en el cual estoy intentando votar y aun no he votado en esta elección (en persona o por correo). Soy residente de esta subdivisión política, no he sido definitivamente declarado culpable de un delito grave o si soy el autor de un delito grave, he cumplido toda mi condena inclusive el periodo de encarcelamiento, la libertad supervisada, la libertad condicional, la libertad supervisada, o he sido indultado. No me han determinado por un juicio final de una corte de la legalización de un testamento, ser totalmente incapacitado mentalmente o parcialmente incapacitado sin el derecho de votar. Entiendo que dar información falsa bajo juramento es un delito menor y también entiendo que es un delito grave de 3º grado votar en una elección sabiendo que no cumplo con los requisitos necesarios.*

Last Name (Apellido usual)	First Name (Su nombre de pila)	Middle Name (if any) (Segundo nombre) (si tiene)	Former Name (Nombre anterior)
Residence Address: Street Address and Apartment Number, City, State, and ZIP. If none, describe where you live (Do not include PO Box or Rural Rt.) (Domicilio: calle y número de apartamento, Ciudad, Estado, y Código Postal: A falta de estos datos, describa la localidad de su residencia.) (No incluya su apartado postal ni su ruta rural.)			
Mailing Address: City, State, and ZIP. If mail cannot be delivered to your residence address. (Dirección postal, Ciudad, estado y Código Postal) (si es imposible, entregarle correspondencia a domicilio.)			
TX Driver's License No. or Personal I.D. No. (Issued by TX Dept of Public Safety) (Número de su licencia tejana de manejar o de su Cédula de Identidad expedida por el Departamento de Seguridad Pública de Tejas.)	Social Security No. (last 4 digits required if you do not have a driver's license or I.D. number) (Número Social. (Si no tiene licencia, de manejar o identificación personal se requiere los últimos 4 números de su número social.)		
<input type="checkbox"/> Check here if you do not have a TX driver's license or personal identification number. (Cheque aquí si no tejana número de su licencia tejana de manejar o de cédula de identidad expedida por el Departamento de Seguridad Pública de Tejas.)	<input type="checkbox"/> Check here if you do not have social security number. (Cheque aquí si no tiene número social.)		
Check appropriate box: ARE YOU A UNITED STATES CITIZEN? (Marque el cuadro apropiado: Soy ciudadano/a de los Estados Unidos)	Yes (Si) <input type="checkbox"/>	No (No) <input type="checkbox"/>	Signature of Voter: X (Firma del votante)
Gender: (Optional) (sexo) (Opcional) <input type="checkbox"/> Male (Hombre) <input type="checkbox"/> Female (Mujer)			
Date of Birth: Month, Day, Year (Fecha de nacimiento): (mes, día, año) _____ / _____ / _____			

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LEG00001728

TO BE COMPLETED BY ELECTION JUDGE:	TO BE COMPLETED BY THE COUNTY VOTER REGISTRAR FOR STATUS:
<p>1. <input type="checkbox"/> Voter not on list of registered voters, voter registrar could not be reached.</p> <p>2. <input type="checkbox"/> Voter not on list of registered voters and could not be verified by voter registrar.</p> <p>3. <input type="checkbox"/> Voter not on list and did not provide certificate or other form of identification.</p> <p>4. <input type="checkbox"/> Voter not on list, registered in another precinct.</p> <p>5. <input type="checkbox"/> Voter on list of registered voters, but did not provide certificate or other form of identification.</p> <p>6. <input type="checkbox"/> Voter on the list of people who voted early by mail, voter says she/he did not apply for nor return the ballot.</p> <p>7. <input type="checkbox"/> Voting after 7:00 p.m. due to court order.</p> <p>8. <input type="checkbox"/> Voter on list, but registered residence address outside the political subdivision.</p> <p>9. <input type="checkbox"/> Voted in another party's primary.</p> <p>10. <input type="checkbox"/> Other: _____ (Please explain)</p> <p>Sworn and subscribed to before me this date: _____</p> <p>Signature of Election Judge _____</p>	<p>I, the voter registrar/deputy registrar, did research the records of my office and the following conclusion(s) was made:</p> <p>1. <input type="checkbox"/> No record of voter registration application on file in this county.</p> <p>2. <input type="checkbox"/> Registration canceled on _____.</p> <p>3. <input type="checkbox"/> Registered less than 30 days before the election.</p> <p>4. <input type="checkbox"/> Incomplete application received, additional information not returned.</p> <p>5. <input type="checkbox"/> Voter rejected for registration due to ineligibility.</p> <p>6. <input type="checkbox"/> Registered to vote, erroneously listed in wrong precinct.</p> <p>7. <input type="checkbox"/> Registered to vote in a different precinct within the county.</p> <p>8. <input type="checkbox"/> Information on file indicating applicant completed a voter registration application, but it was never received in the voter registrar's office.</p> <p>9. <input type="checkbox"/> Voter Registrar erroneously removed voter from the list.</p> <p>10. <input type="checkbox"/> Voter is registered to vote in precinct _____.</p> <p>11. <input type="checkbox"/> Voted in another party's primary.</p> <p>12. <input type="checkbox"/> Other: _____ (Please explain)</p> <p>Signature of Voter Registrar _____ Date _____</p>
<p>Action taken by the Early Voting Ballot Board: <input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED Signature of Ballot Board Judge: _____</p>	

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LEG00001729

ALTERNATIVE VOTER PARTICIPATION PROPOSALS OFFERED BY OPPONENTS OF VOTER ID

I. 81R SENATE BILL PROPOSALS

- (1) Same-day registration during early voting only (SB 118 - Ellis)
 - such ballots are treated like mail-in ballots (paper ballot, sealed and set aside) and registration eligibility is confirmed before election day
 - requires proof of residency (photo ID, utility bill, etc)
- (2) Same-day registration on election day (SB 140 - Ellis)
 - for efficiency, such ballots are processed by a separate poll worker
 - photo ID is required
- (3) Allow early voting mail-in ballots for all voters (SB 137 - Ellis)
 - currently option only for those who are elderly, ill, or confined in jail
- (4) Designate uniform election dates as state holidays (SB 138 - Ellis)
 - currently, only twice a year
 - would not apply to run-offs, primaries, special elections that do not fall on uniform election date
- (5) Allow felons to vote if not confined in jail (SB 141 - Ellis)
 - current law prohibits voting by felons if confined, on parole, on probation, or otherwise under community supervision
- (6) Delay frequency of purging certain voters from voter rolls (SB 438 - Ellis)

II. 80R SENATE COMMITTEE AMENDMENT PROPOSALS (HB 218)

* NONE *

III. 80R HOUSE FLOOR PROPOSALS (HB 218)

Allow exceptions to voter identification requirements

- elderly, veterans, widows, and disaster evacuees (adopted)
- persons registered before effective date of Act (see failed Turner amendment)
- persons residing in county subject to federal civil rights investigations since 1990 (see failed Veasey amendment)
- persons who sign sworn declaration of identity (see failed Anchia amendment) - Failsafe Affidavit
- persons who know the poll worker (see failed Dutton amendment)

IV. 80R HOUSE COMMITTEE AMENDMENT PROPOSALS (HB 218)

* NONE *

There are only the substantive ones